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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
James W. Cree, et al. :
Serial No. 09/304,716 : Group Art Unit 3761
Filed May 4, 1999 : Examiner Shanoski
For ABSORBENT ARTICLE :
HAVING FUSED LAYERS :

P&G Case 4546RC2D

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is responsive to the Office Action (paper no. 4) mailed January 11, 2001.

REMARKS

In the office action summary Claims 1 and 6-12 are indicated as pending in the application. Applicant would like to direct the Examiners attention to the preliminary amendment filed on May 4, 1999. In the aforementioned preliminary amendment Claim 1 was cancelled, and thus, is not pending.

In the detailed action, the application is alledged to contain claims directed to patentably distinct species of the invention:

Group I: Claim 1, and

Group II: Claims 6-11 (claim 12 was ommited from this species).

Given the cancellation of Claim 1, Applicants do not see any necessity to make an election of species. However, in order to avoid any confusion and to progress with examination on the merits, Applicants hereby elect to prosecute Claims 6-12 as corresponding to a single disclosed species according to the Office Action.

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